

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR WABASH COUNTY)

Case No.

85S00-1108-MS-477

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Wabash Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Wabash Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR85-TR79-10 complies with the requirements of Ind. Trial Rule 79, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR85-TR79-10 for Wabash County Courts, set forth as an attachment to this Order, is approved effective retroactive to July 1, 2011. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Christopher M. Goff, Wabash Superior Court, 59 West Hill Street, Wabash, IN 46992-3151; the Hon. Robert R. McCallen, III, Wabash Circuit Court, 49 West Hill Street, Wabash, IN 46992-3151; to the Clerk of the Wabash Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Wabash Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 2d day of August, 2011.


Acting Chief Justice of Indiana

LR 85 TR 79-10 Selection of a Special Judge Pursuant to Trial Rule 79(H)

Section 1- Cases involving a change of judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of other Wabash County judges or full-time judicial officers, or senior judges assigned to the court. If a sufficient number of Wabash County judges or full-time judicial officers, or senior judges assigned to the court does not exist, then a panel shall be named including:

1. the available Wabash County judges or full-time judicial officers, or senior judges assigned to the court, and
2. judges or full-time judicial officers from courts within the administrative district as set forth in Administrative Rule 3, and
3. judges or full-time judicial officers from contiguous counties outside of the administrative district who have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers eligible under Trial Rule 79(J) as follows:

1. Judge of the Wells Superior Court;
2. Judge of the Huntington Circuit Court;
3. Judge of the Huntington Superior Court;
4. Judge of the Wells Circuit Court;
5. Judge of the Adams Superior Court; and
6. Judge of the Adams Circuit Court

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

Section 2-Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J) as follows:

1. Judge of the Wells Superior Court;
2. Judge of the Huntington Circuit Court;
3. Judge of the Huntington Superior Court;
4. Judge of the Wells Circuit Court;
5. Judge of the Adams Superior Court; and
6. Judge of the Adams Circuit Court

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

STATE OF INDIANA
COUNTY OF WABASH, SS:

IN THE WABASH CIRCUIT COURT
IN THE WABASH SUPERIOR COURT

**NOTICE OF PROPOSAL TO ADOPT A LOCAL RULE
AND REQUEST FOR SUPREME COURT APPROVAL**

The Wabash Circuit and Superior Courts hereby give notice to the Bar and the public of the proposed adoption of a new Local Rule. The new Local Rule deals with the selection of Special Judges from among the newly formed Administrative District 9, which includes Adams, Huntington, Wabash, and Wells Counties. The adoption of the new Local Rule is required, pursuant to Order of the Indiana Supreme Court, issued January 12, 2011, under Supreme Court No. 94S00-1101-MS-19, and is subject to Supreme Court approval which is requested. The new rule is indicated by underlining and the deleted local rule is indicated by ~~striking through~~.

Comments, by the Bar and the public as to the new proposed Rule, will be received until May 1, 2011. The proposed Rule will be adopted, modified or rejected by July 1, 2011. The proposed Rule will not be effective unless and until approved by the Indiana Supreme Court.

Comments should be sent to: Elaine J. Martin, Clerk of Courts, 69 West Hill Street, Wabash, IN 46992.

Dated: March 30, 2011

_____/S/_____
Robert R. McCallen, III, Judge
Wabash Circuit Court

_____/S/_____
Christopher M. Goff, Judge
Wabash Superior Court